

# Notice of Allowability

Application No.

09/585,678

Examiner

Shefali D. Patel

Applicant(s)

ELLINGSON, ERIC E.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview held on 11/22/05.
2. ☒ The allowed claim(s) is/are 29-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/22/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joel Meyer (Reg. No. 37,677) on November 22, 2005.

The application has been amended as follows:

Please amend claim 48 as follow:

Line 7, change "automatically associating" to -- steganographically encoding --

Line 8, change "with" to -- in --

### *Response to Arguments*

2. Applicant's arguments, see Remarks under Pre-Appeal Brief Request (pages 1-5), filed on October 3, 2005, with respect to claims 29-56 have been fully considered and are persuasive. The rejections of claims 26-56 have been withdrawn.

### *Allowable Subject Matter*

3. Claims 29-56 are allowed and re-numbered to 1-28..

4. The following is an examiner's statement of reasons for allowance: .

The instant invention defines a method comprising capturing attribute information from an operator; under control of the operator, capturing subject information from a subject distinct from the operator and encoding data related to the captured attribute information **in** subject data related to the

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captured subject information as recited in claim 1. The claimed invention distinguishes over the prior art (Soltesz et al, Lilley et al., Friedman and Borza) by the manner in which the encoding step is performed. The present application encodes the data related to the captured attribute information **in** subject data related to the captured subject information. The claimed combination allows for improving a method of encoding information into media signals. Encoding information into media signals is conventional in the art. Friedman (US 5,499,294) teaches a digital camera, which enables an image file, produced by the camera to be authenticated. However, Friedman does not teach the encoding step as recited in claims 1 and 48. Lilley et al. (US 4,995,086) teaches correlating an arbitrary non-fingerprinted image with a fingerprint for verification purpose. Also, Lilly et al. does not teach the encoding step recited in claims 1 and 48. None of the prior arts of record teach encoding the data related to the captured attribute information **in** subject data that is related to the captured subject information. These elements in combination with all of the other elements of the claims are not taught or fairly suggested in the prior art of record.

Claims 48 and 49 are allowed for the same reasons as claim 1.

The dependent claims 30-47 and 50-56 are allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel  
Examiner  
Art Unit 2621

December 2, 2005



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER